

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, MARCH 9, 2011

CASE NUMBER: C15-2011-0002

☐ Y ☐ Jeff Jack
☐ Michael Von Ohlen **ABSENT**
☐ Y ☐ Nora Salinas
☐ Y ☐ Bryan King **Motion to PP April 11, 2011**
☐ Y ☐ Leane Heldenfels, Chairman
☐ Y ☐ Clarke Hammond, Vice Chairman **2nd**
☐ N ☐ Heidi Goebel
☐ Y ☐ Melissa Hawthorne

APPLICANT: Shaw Hamilton

OWNER: Mark Kudela

ADDRESS: 1403 45TH ST

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-492 (D) from 5,750 square feet to 2,110 square feet in order to erect a single-family residence in an "SF-3", Family Residence zoning district.

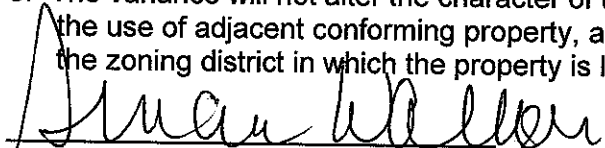
The applicant has requested a variance to decrease the minimum lot width requirement of Section 25-2-492 (D) from 50 feet to 34.97 feet in order to erect a single-family residence in an "SF-3", Family Residence zoning district.

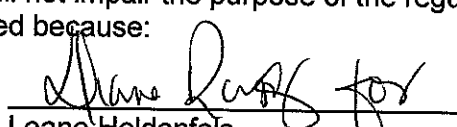
The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 21 feet in order to erect a single-family residence in an "SF-3", Family Residence zoning district.

BOARD'S DECISION: Postponed to April 11, 2011 to meet with neighbors; Vote 6-1, POSTPONE TO APRIL 11, 2011

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Susan Walker
Executive Liaison


Leane Heldenfels
Chairman

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0002 – 1403 West 45 Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, March 9th, 2011

Melanie McHenry
Your Name (please print)

☐ I am in favor
☒ I object

4400 Burnett
Your address(es) affected by this application

[Signature]
Signature

28 Feb. 2011
Date

Daytime Telephone: 797.3647

Comments:

The lot is tiny! A cute
little cottage might work
there.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, March 9th, 2011

MORRIS HEWER

Your Name (please print)

1407 W. 46th 78756

Your address(es) affected by this application

[Signature]

02 MAR. 11

Signature

Date

Daytime Telephone: 512.467.2626

Comments:

(A) WOULD RATHER SEE RESIDENCE THAN EMPTY LOT

(B) FURTHERS CITY GOAL OF URBAN DENSITY

(C) ADJOINING LOT AT CORNER OF 45th & ROSEDALE SEEMS TO HAVE HIGHER F.A.R., W/ NO IL EFFECT. THIS PROPOSED PROJECT WOULD NOT NEGATIVELY AFFECT EXISTING RESIDENCE

THAT ADJOINING WEST SIDE.

THANKS SUSAN!

IF YOU USE THIS FORM TO COMMENT, IT MAY BE RETURNED TO:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

MY WIFE & I ARE

32 YR. ROSEDALE

RESIDENTS, BTW.

(3902 TENKAWA TR.)

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Case Number: C15-2011-0002 - 1403 West 45 Street

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 14th, 2011

CHRISTOPHER E. BURTON

Your Name (please print)

4417 ROSEDALE AVENUE

☐ I am in favor
☒ I object

Your address(es) affected by this application

[Signature]

2-5-11

Signature

Date

Daytime Telephone: 512-586-4904

Comments: THIS LOT(S) IS DEFICIENT

OF 3,633 SQUARE FEET TO SUPPORT THIS

PROPOSED DEVELOPMENT. CURRENT CODE

WAS CREATED TO PERMIT SUCH DEVELOPMENT.

~~THE~~ THE EXISTING "OFFICE

STRUCTURE" BOLDS MY PROPERTY WHICH

NEARLY IMPAIRS MY PROPERTY'S VALUE. ADDITIONALLY

INTILL DEVELOPMENT IS NOT NEEDED AS THERE

RENTY OF AVAILABLE HOMES CURRENTLY

FOR SALE IN ROSEDALE.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, February 14th, 2011

Your Name (please print)

MAR BRADLEY WILSON

☐ I am in favor
☒ I object

Your address(es) affected by this application

4402 ROSEDALE AVE. AUSTIN, TX 78756



Signature

Date

Daytime Telephone:

536-3035

2/10/2010

Comments:

This is a tiny slice of land that is completely inappropriate for a single family residence. In addition to variances for lot size and setbacks, building anything of house size on it would make a mockery of the McMansion standards

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-8810

Walker, Susan

From: sartexas@gmail.com on behalf of Chris Allen [chris@somearchitect.com]
Sent: Friday, February 11, 2011 8:06 AM
To: Walker, Susan; shaw hamilton
Subject: c15-2011-0002 1403 W. 45th St.

Susan (with cc: to Shaw Hamilton):

Given the unusually short notice to the NA and the adjacent neighbors for this case, it would seem appropriate for staff to initiate a postponement of the hearing. Notices were received on Tuesday and Wednesday for a hearing set for next Monday, which does not allow us reasonable time to properly study the situation.

Let me know ASAP if there is any issue with postponement, as we would need to get word out to quite a few people.

Shaw- this could have been avoided by giving the NA a heads up when you started the process. We could have discussed this with you and the adjacent neighbors weeks ago and the hearing could have proceeded as planned, regardless of notice from the City.

Thank you!

Chris Allen
Chair, RNA zoning comm.

Chris Allen
architect
*some assembly required
www.somearchitect.com
(512) 467-2888
chris@somearchitect.com

2/11/2011

CASE # C15-2011-0002
ROW-10535830
TP-0223021410

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

1403
STREET ADDRESS: 1405 West 45th st

LEGAL DESCRIPTION: Subdivision – Rosedale B

Lot(s) east 35 ft. of lot 10 Block B Outlot Division

I/We Shaw Hamilton on behalf of myself/ourselves as authorized agent for

Mark Kudela affirm that on Dec. 14, 2010, hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

Erect a new single family home:

Variance requested : Lot size 2117 sq. ft. Lot frontage 34.97 ft.

~~Rear setback 9' 11 1/2"~~ FRONT SETBACK 21'
in a SF-3 district.

(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The Lot was established in 1948 prior to regulations and needs relief from strict enforcement of the regulations in order to make this lot developable.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

[REDACTED] The property to the east is commercial, [REDACTED] the entire property would be a compatibility setback, [REDACTED]. The property to the west is single family and have no desire to buy.

- (b) The hardship is not general to the area in which the property is located because:

This is the only small lot left in this area that is not developed. The remainder of lots in this area meet the minimum lot size and are fully developed. This is an older area of town that was developed in 1930's and 1940's

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The area is a combination of single family and commercial uses. Both roadways adjacent to this lot are well traveled (45th St and Burnet Rd.) The driveway is already existing on 45th St. for this lot and would not impact adjacent properties.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 6301 Mercedes Bend

City, State & Zip Austin, Texas 78759

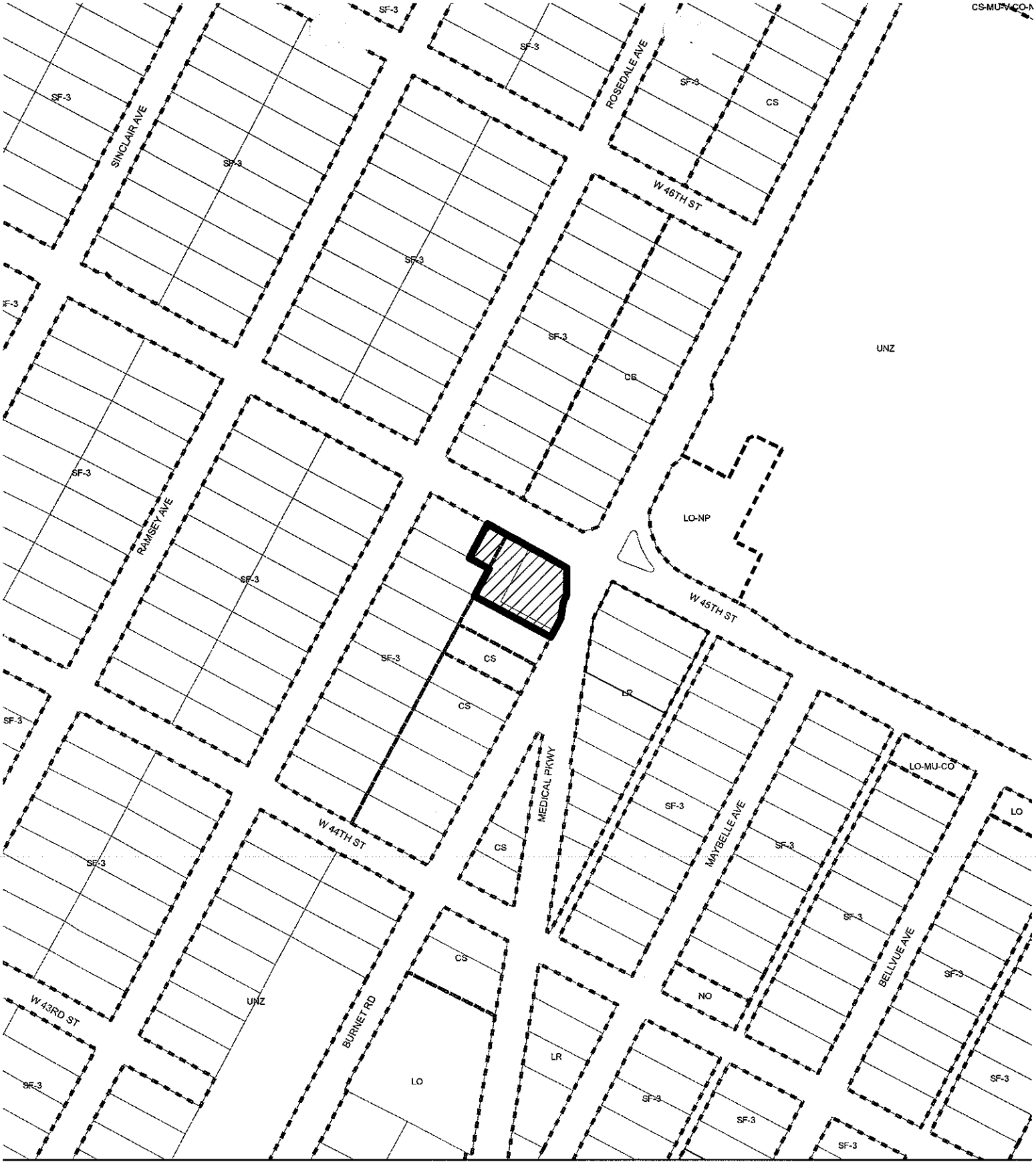
Printed Mark Kudela Phone (512) 554-3150 Date 11/3/2010

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 6301 Mercedes Bend



City, State & Zip Austin, Texas 78759

Printed Mark Kudela Phone (512) 554-3150 Date 11/3/2010

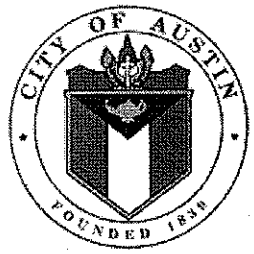


BOARD OF ADJUSTMENTS

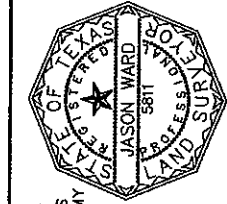


-  SUBJECT TRACT
-  ZONING BOUNDARY

CASE#: C15-2011-0002
LOCATION: 1403 W 45TH ST
GRID: J26
MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SURVEYOR'S CERTIFICATE:
THIS IS TO CERTIFY THAT THIS MAP OR PLAT
AND THE SURVEY ON WHICH IT IS BASED WAS
ACTUALLY MADE UPON THE GROUND UNDER MY
DIRECTION AND SUPERVISION ON THE DATE
SHOWN.

DATE 12/15/2010
JASON WARD, R.P.L.S.
TEXAS REGISTRATION NO. 5811

- GENERAL NOTES:**
- 1) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND WOULD BE SUBJECT TO ANY AND ALL EASEMENTS, CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE COMMITMENT MAY DISCLOSE.
 - 2) PROPERTY ADDRESS: 45TH STREET, AUSTIN TEXAS
 - 3) PER MONUMENTATION FOUND ON THE GROUND, IT APPEARS THAT R.O.W. WIDENING HAS OCCURRED ALONG THE NORTH R.O.W. LINE OF 45TH STREET
 - 4) THERE WERE NO BUILDINGS ON THIS TRACT AT THE TIME OF THE ON-THE-GROUND SURVEY.

45th STREET
(R.O.W. WIDTH VARIES)
(60' R.O.W. PER PLAT)

BEARING BASIS:
THE SUBJECT PLAT FOR THIS
SUBDIVISION DOES NOT
REFERENCE ANY BEARINGS.
BEARINGS FOR THIS SURVEY
ARE BASED ON HOLDING THE
WEST LINE OF THE
ADJOINING PLAT (MURRAY
SUBDIVISION - N3010'00"E)
AND USING THE RECORD
INTERIOR ANGLE (89°15') AS
SHOWN ON THE SUBJECT
PLAT TO ESTABLISH A
BEARING OF N59°05'00"W
ALONG THE SOUTH LOT LINE
OF LOT 9.

ROSEDALE AVENUE
(50' R.O.W. WIDTH)

EAST 35' OF
LOT 10

WEST 100' OF LOT 10
THOMAS O. MAHNKE
DOC. #2002205471, O.P.R.T.C.T.

BLOCK 7 OF
ROSEDALE "B"
VOL. 3, PG. 191
P.R.T.C.T.

LOT 9

LOT 8

LOT 13

SURVEY OF THE
EAST 35' OF
LOT 10, BLOCK 7
ROSEDALE "B"
City of Austin,
Travis County, Texas

LEGEND

PROPERTY LINE	EXISTING PROPERTY LINES
---	"X" CUT SET IN CONCRETE
●	1/2" IRON ROD FOUND (UNLESS NOTED)
○	3/4" IRON PIPE FOUND
---	EDGE OF ASPHALT
---	WOOD FENCE
---	CHAIN LINK FENCE
OE	OVERHEAD ELECTRIC
○	POWER POLE
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TEXAS
(.....)	RECORD INFORMATION PER PLAT VOL. 3 PG. 191
{(.....)}	RECORD INFORMATION PER PLAT VOL. 3 PG. 248
[.....]	RECORD INFORMATION PER PLAT VOL. 8 PG. 141

4WARD
Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
www.4Wards.com (512) 554-3371
P:\00066\04w\00066.dwg

Date:	12/15/2010
Project:	00066
Scale:	1" = 20'
Reviewer:	JSW
Tech:	JSW
Field Crew:	JSW/JWS
Survey Date:	12-13-10
Sheet:	1 of 1

Proposed residence

45th Street

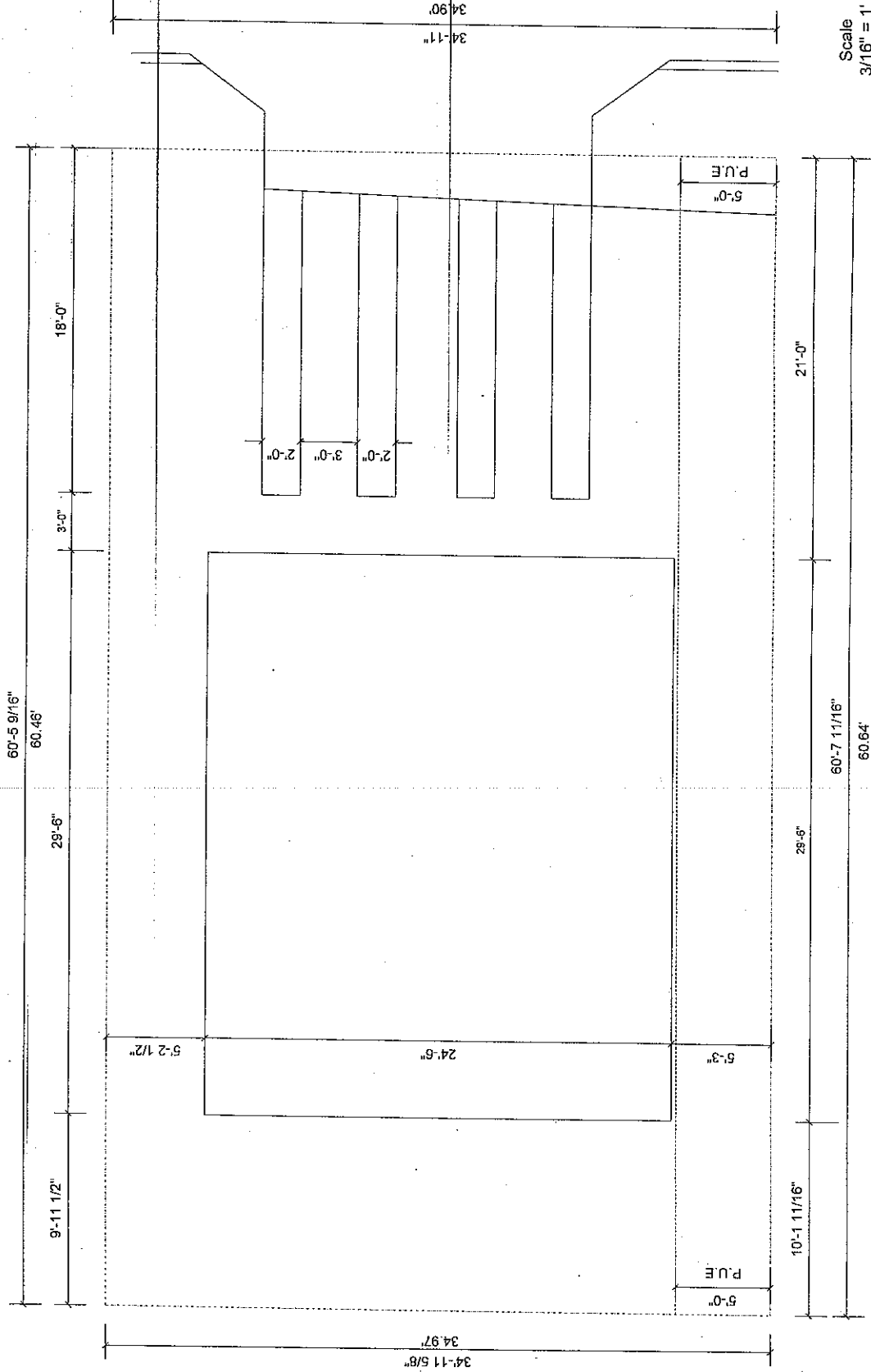
Wayne Barnes
Company

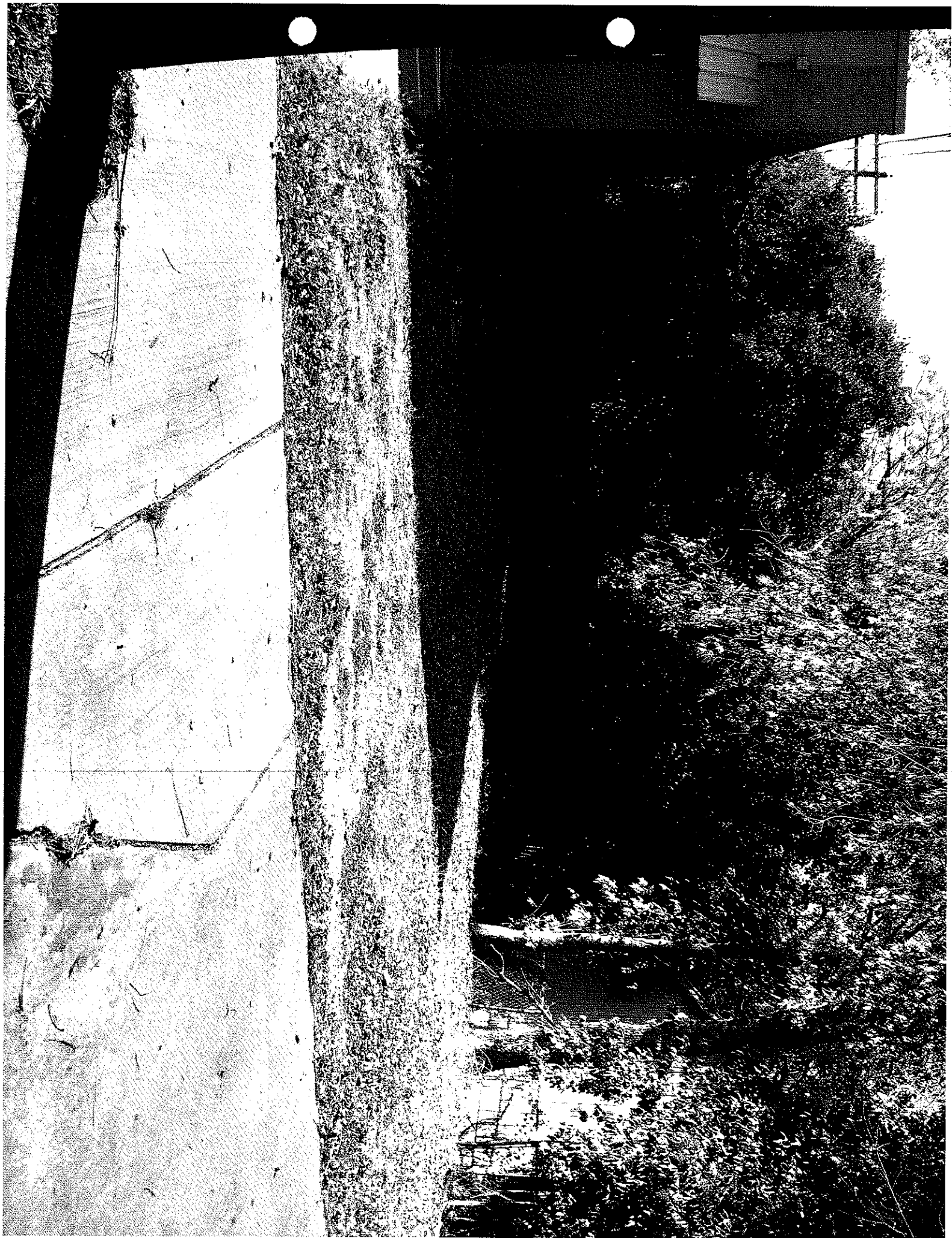
5114 Balcones
Woods #307
Austin, Texas
78759

835-2833 Fax
413-5848 Wayne
461-7501 George

8

Site

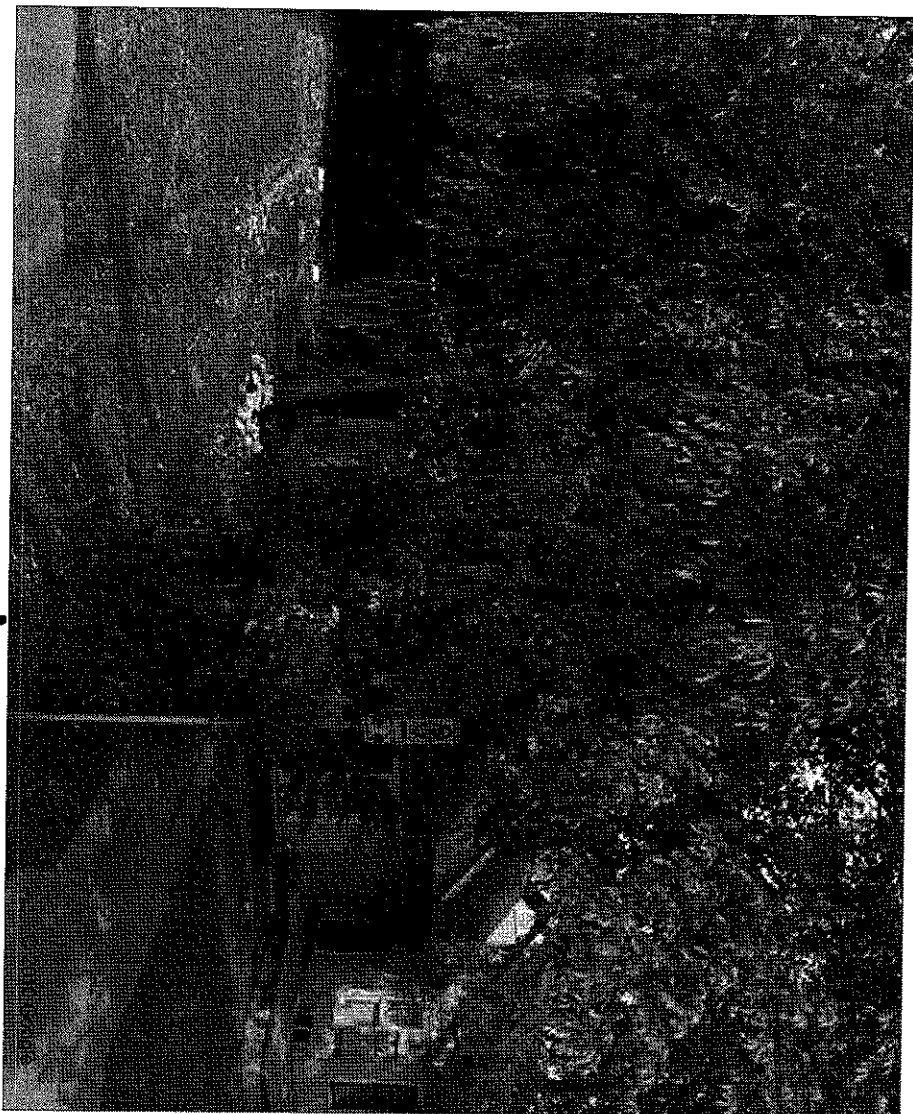




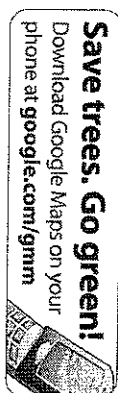
Google maps

Address **1416 West 45th Street**

Address is approximate



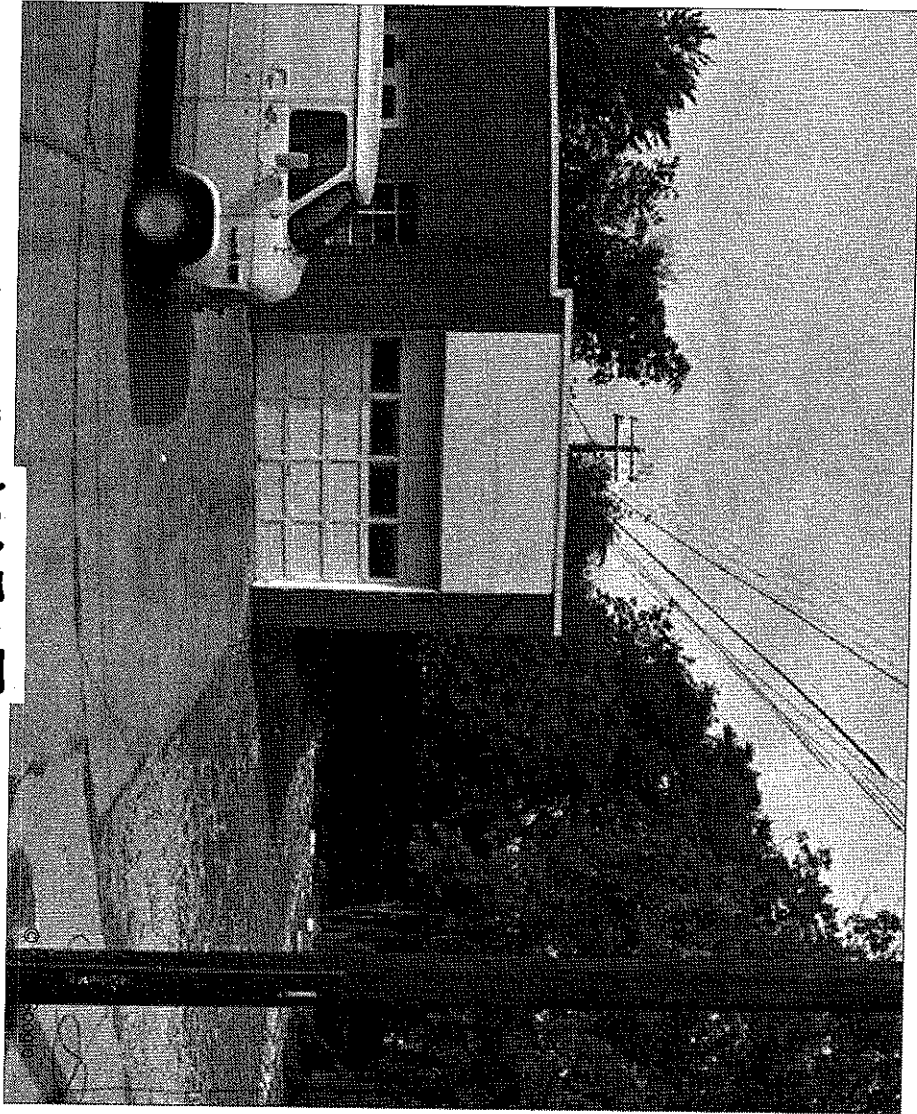
LOT AND HOUSE TO EAST



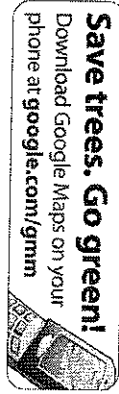
Google maps

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Address is approximate



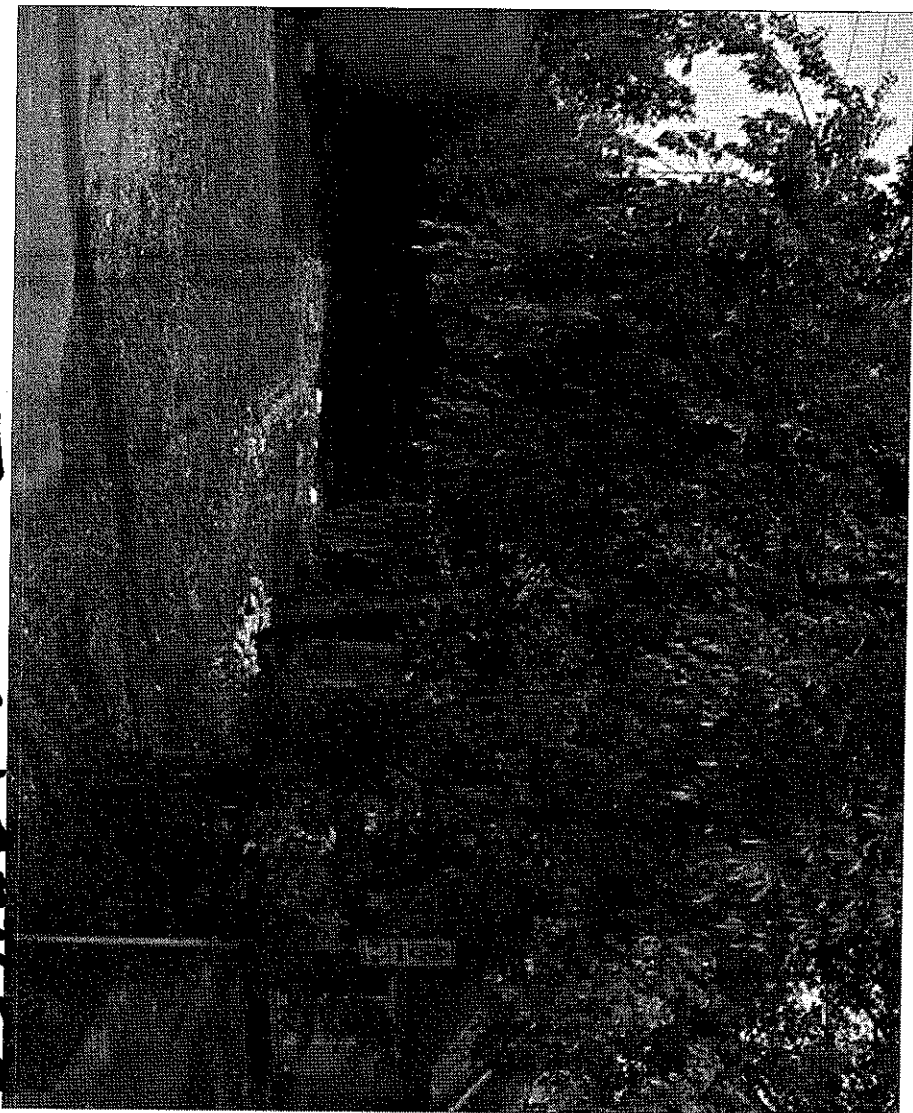
LOT TO WEST



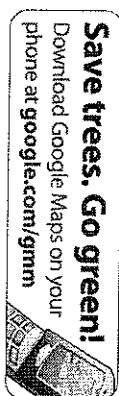
Google maps

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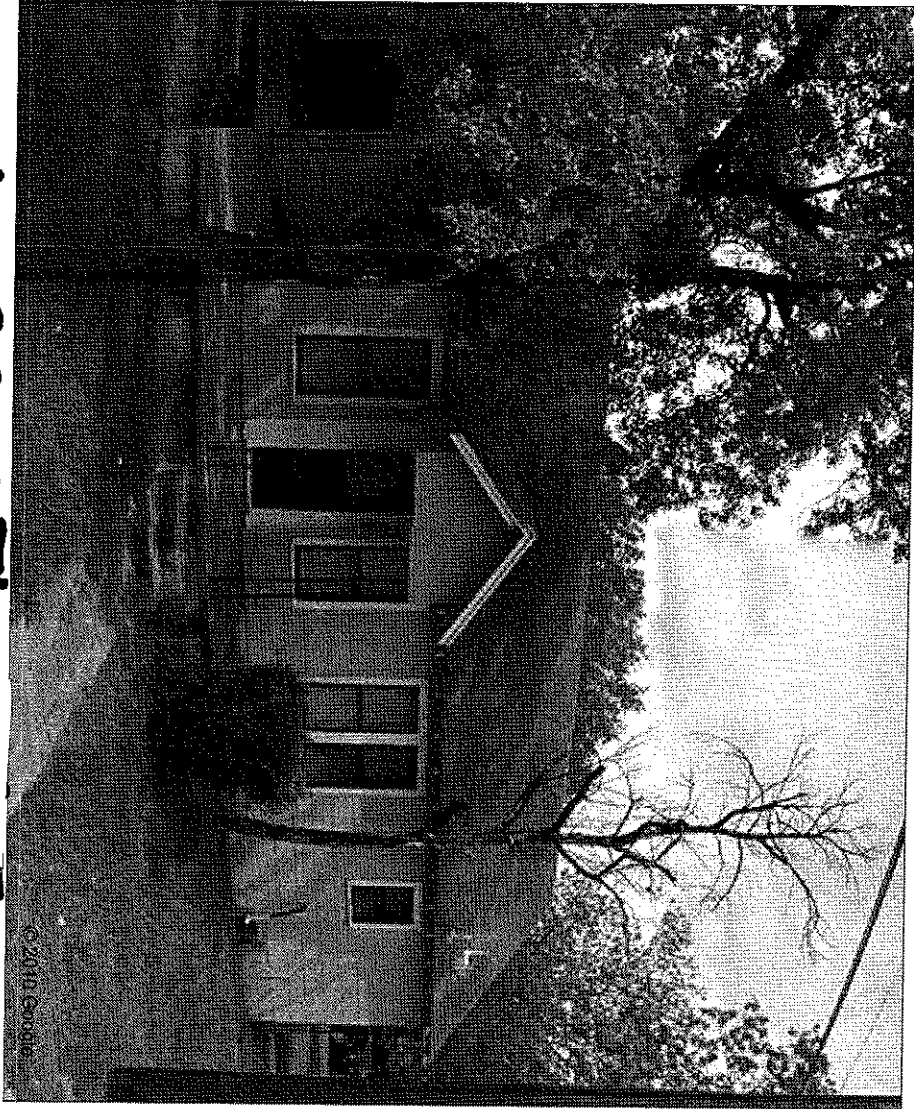
LOT: 1405 W. 45th St



Google maps

Address 1416 West 45th Street

Address is approximate



HOUSE TO THE EAST
OF LOT.

Save trees. Go green!
Download Google Maps on your
phone at google.com/gmm

